

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO AND CO., et al.,

Plaintiffs,

v.

ABD INSURANCE AND FINANCIAL
SERVICES, et al.,

Defendants.

No. C 12-3856 PJH

ORDER RE MOTION TO EXCLUDE

On July 17, 2014, plaintiff Wells Fargo filed a motion to strike (or “exclude”) an expert declaration filed in connection with defendants’ opposition to Wells Fargo’s motion for preliminary injunction. Plaintiff’s motion was filed on the same day as its reply brief in support of its preliminary injunction motion.

It appears to the court that Wells Fargo filed the motion to strike/exclude as a means of circumventing Civil Local Rule 7-3(c), which requires “[a]ny evidentiary and procedural objections to the opposition” to be contained within the reply brief itself, and not filed as a separate document. The court notes that Wells Fargo’s reply brief contained 15 pages of text (the maximum permitted by Local Rule 7-3(c)), and that the motion to strike/exclude contained an additional 12 pages of text.

Thus, at the August 6, 2014 hearing on its preliminary injunction motion, Wells Fargo will be ORDERED to SHOW CAUSE as to why the motion to strike/exclude should not be stricken for violating this court’s local rules. If the motion is not stricken, the court will set a new briefing schedule at the hearing. Until then, all deadlines associated with the motion to strike/exclude are VACATED.

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IT IS SO ORDERED.

Dated: July 21, 2014



PHYLLIS J. HAMILTON
United States District Judge